

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GALLAGHER,

Defendant.

DECISION & ORDER

18-MJ-4051

Pending before the Court is defendant Michael Gallagher's renewed motion for early termination of his probation supervision. (Docket ## 52, 62). His five-year term of supervision is due to expire approximately ten months from now, on July 22, 2024. (Docket # 62). Defendant argues that he has remained compliant with his conditions of supervision, that his mental health has improved and he is now stable, and that he no longer requires supervision. (*Id.*).

The government does not oppose defendant's request (Docket # 64), although the United States Probation Office ("the Probation Office") does (Docket # 65). In a Memorandum to the Court dated September 14, 2023 (Docket # 65), defendant's supervising officer noted that in March 2022 defendant "displayed signs of mental health decompensation and noncompliance with mental health treatment," but since then has "turned his motivation towards supervision in a positive direction." (*Id.*). According to her, defendant has made significant positive strides and is likely, "with continued treatment," to be able to progress with managing his behavioral issues. (*Id.*). While she commends him for maintaining compliance with conditions, she notes that the Probation Office is opposed to defendant's request. (*Id.*).

Having considered defendant's motion and the Probation Office's opposition thereto, this Court denies defendant's motion at this time. The Court is open to considering a further application by defendant to terminate his supervision six months before it is scheduled to expire, assuming defendant continues to be compliant and make positive strides.

CONCLUSION

For the reasons stated above, defendant Michael Gallagher's renewed motion for early termination of his probation supervision (**Docket ## 52, 62**) is **DENIED without prejudice to renewal**.

IT IS SO ORDERED.

s/Marian W. Payson
MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
September 15, 2023